IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

THURSDAY, THE 22ND NOVEMBER 2007 / 1ST AGRAHAYANA 1929

WP(C).No. 18351 of 2004(I)

PETITIONER:

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1. RAHIM RAWTHER,
   HOSPITAL ATTENDENT GRADE-II,
   GOVERNMENT HOSPITAL, THIRUVALLA.

2. GEORGE,
   HOSPITAL ATTENDENT GRADE-II,
   GOVERNMENT HOSPITAL, THIRUVALLA.

3. D.SYAMALA,
   HOSPITAL ATTENDENT GRADE-II,
   GOVERNMENT HOSPITAL, THIRUVALLA.

4. K.C.RETNAMMA,
   HOSPITAL ATTENDENT GRADE-II,
   GOVERNMENT HOSPITAL, THIRUVALLA.

5. P.K.ANANDAVALLY,
   HOSPITAL ATTENDENT GRADE-II,
   GOVERNMENT DISTRICT HOSPITAL, KOZHENCHERRY.

6. SUDHARMA G.S.,
   HOSPITAL ATTENDENT GR.II,
   DISTRICT HOSPITAL, KOZHENCHERRY.

7. SULOCHANAMMA V.B.,
   HOSPITAL ATTENDENT GR.II, DISTRICT HOSPITAL,
   KOZHENCHERRY.

8. RADHA P.K.,
   HOSPITAL ATTENDENT GR.II, DISTRICT HOSPITAL,
   KOZHENCHERRY.

9. LALIKUTTY C.T.,
   HOSPITAL ATTENDENT GR.II, DISTRICT HOSPITAL,
   KOZHENCHERRY.

10. VENU P.,
    HOSPITAL ATTENDENT GR.II, DISTRICT HOSPITAL,
    KOZHENCHERRY.

11. SUDHA T.MONY,
HOSPITAL ATTENDENT GR.II, PUBLIC HEALTH CENTRE,
CHITTAR.

BY ADV. SRI.P.SANKARANKUTTY NAIR
SRI.T.V.AJAYAKUMAR
SRI.K.SANDESH RAJA

RESPONDENTS:
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1. STATE OF KERALA,
REPRESENTED BY ITS SECRETARY, DEPARTMENT OF HEALTH
AND FAMILY WELFARE (F), SECRETARIAT,
THIRUVANANTHAPURAM.

2. PRINCIPAL SECRETARY TO GOVERNMENT,
HEALTH AND FAMILY WELFARE (F) DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM.

3. DIRECTOR OF HEALTH SERVICES,
THIRUVANANTHAPURAM.

4. DISTRICT MEDICAL OFFICER,
PATHANAMTHITTA.

5. HOSPITAL SUPERINTENDENT,
GOVERNMENT HOSPITAL, THIRUVALLA.

6. HOSPITAL SUPERINTENDENT,
GOVERNMENT DISTRICT HOSPITAL, KOZHENCHERRY.

7. MEDICAL OFFICER-IN-CHARGE,
PUBLIC HEALTH CENTRE, MALLAPUZHASSERY.

8. MEDICAL OFFICER-IN-CHARGE,
PUBLIC HEALTH CENTRE, CHITTAR.

BY GOVT. PLEADER SMT. LATHA T. THANKAPPAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD A/W W.P(C) 18564/04 ON 22/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN W.P(C) 18351/04

PETITIONERS' EXTS:

EXT.P1: A TRUE COPY OF THE ORDER NO: A2-885/96/D.M.O. (H) DT. 10.6.1999

EXT.P2: -DO- OF THE JUDGMENT DT. 26.2.2003 IN O.P.NO: 30441/99

EXT.P3: -DO- OF THE LETTER NO: 14441/F2/04/H& FW DT. 12.5.2004

EXT.P4: -DO- OF THE ORDER DT. 22.3.2004 IN W.P(C) NO: 9889/2004-B

EXT.P5: -DO- OF THE ORDER DT. 4.11.2003 IN W.P(C) NO: 34555/2003

jj /TRUE COPY/

P.A. TO JUDGE

KURIAN JOSEPH J.

Writ Petition (Civil) Nos.18351 & 18564 of 2004

Dated 22nd November, 2007.

J U D G M E N T

Petitioners are aggrieved since they are not entitled to reap the fruits of Ext.P2 judgment(W.P.C.18351/04) of this court in O.P.No.30441/99. This court made it clear that in case the source of recruitment is through the Employment Exchange, Hospital Attendants Grade-II appointed through the Employment Exchange are entitled for regularization in service. Despite such a judgment, in Ext.P3, the Government issued a letter to the effect that such employees are to continue only on daily wage basis. The stand cannot be appreciated. I quash Ext.P3 with a direction to the second respondent to take appropriate action in the light of Ext.P2 judgment and also in the light of the observations contained in this judgment, for regularizing the service of the petitioners, within two months from the date production of a copy of the judgment.

The writ petitions are disposed of as above.

KURIAN JOSEPH, JUDGE.

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